

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NALCO COMPANY,  
a Delaware corporation,

Plaintiff/Counterdefendant,

V.

ENVIRO TECH CHEMICAL SERVICES,  
INC.,  
a California corporation,

**Defendant/Counterclaimant.**

Case No. 07 C 6293

Judge Hart  
Magistrate Judge Cox

# JURY DEMANDED

## JOINT INITIAL STATUS REPORT

Plaintiff/Counterdefendant Nalco Company (“Nalco”) and Defendant/Counterclaimant Enviro Tech Chemical Services, Inc. (“Enviro Tech”) submit the following joint initial status report.

## 1. Nature and Scope of the Case

Nalco has asserted that Enviro Tech infringes one or more claims of Nalco’s U.S. Patent Nos.: 5,683,654; 6,015,782; 6,037,318; 6,270,722; and 6,669,904 (collectively “the Patents”). Nalco brought this action seeking injunctive and monetary relief, including, but not limited to lost profits, reasonable royalties, treble damages pursuant to 35 U.S.C. § 284, and reasonable attorneys’ fees pursuant to 35 U.S.C. § 285.

Enviro Tech filed an answer denying Nalco's allegations and asserting affirmative defenses. Enviro Tech also filed a counterclaim seeking judgment that the Patents are not

infringed and are invalid. Enviro Tech requests costs and reasonable attorneys' fees in this action.

The principle legal issues include claim construction, to the extent that there is a dispute as to the construction of any claim of the Patents. The parties may ask the court for a Markman hearing. The legal issues may also include issues of invalidity.

The principle factual issues include: (1) whether Enviro Tech infringes the Patents and, if so, whether such infringement was willful; (2) whether any of the Patents are invalid; and (3) determination of any damages or other relief adjudged to be due and owing.

**2. Need for Discovery**

Both parties believe that discovery is required before any Federal Rule of Civil Procedure 56 dispositive motion can be filed. The parties propose discovery and dispositive motions proceed as follows:

Rule 26(a) disclosures	February 6, 2008
Close of fact discovery	August 29, 2008
Close of expert discovery	November 28, 2008
Dispositive motions due	January 16, 2009

**4. Protective Order**

Both parties believe that a protective order is necessary in this action.

**3. Possibility of Settlement**

The parties have been engaging in settlement discussions in an attempt to resolve this matter without the Court's assistance.

DATED: January 15, 2008

Respectfully submitted,

NALCO COMPANY

ENVIRO TECH CHEMICAL SERVICES,  
INC.

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One of Its Attorneys

By: /s/ Audrey A. Millemann  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Joseph H. Herron, an attorney, do hereby certify that I caused a true and correct copy of the foregoing *JOINT INITIAL STATUS REPORT*, to be served to the following, by electronically filing a copy of same on the 15th day of January, 2008, with the United States District Court for the Northern District of Illinois filing system:

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